

# Town of Frederick Board of Trustees



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AM 2009-040

## Consideration of Resolution 09-R\_\_ to Amend Section 2 of Resolution 04-R023 Pertaining to the Dedication and Transfer of Water Rights


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**Agenda Date:** Town Board Meeting - April 28, 2009

**Attachments:**

- a. Red-line version of Resolution 04-R023
- b. Resolution 09-R\_\_

**Fiscal Note:** None noted

  
Finance Director

**Submitted by:** Richard Leffler, P.E.   
Town Engineer

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector \_\_\_\_\_ Laptop \_\_\_\_\_

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### **Certification of Board Approval:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

### **Summary Statement:**

The attached resolution would amend Section 2 of Resolution 04-R023 to allow transfers of water rights from one lot or subdivision to another lot or subdivision within the Town of Frederick to be handled administratively as directed by the Town Board at the March 24, 2009 meeting.

### **Detail of Issue/Request:**

At the March 24, 2009 meeting the Town Board approved a request by the developer of No Name Creek West Subdivision to transfer 18 units of CBT to other lots within the same subdivision. The Board denied the request to waive the fee of \$50 per 1.2 units of CBT. During this discussion the

Board directed staff to implement a policy that would allow the staff to administratively transfer water shares and to charge the appropriate fees for such transfers. The Town Attorney drafted the attached resolution amending Section 2 of Resolution 04-R023 to implement the directed changes.

The resolution would slightly increase the administrative fee to a rate of \$50 per CBT unit transferred. Staff will document the transfer of water rights in the property files and make the corresponding changes in the property file in the Town's Building Permit Software. Any responses to requests to verify the existence of water rights on a specific property in Town will be accomplished using a form indicating the date of the response and a disclaimer stating that it is the responsibility of the purchaser of any property to verify the existence or lack of water on that specific property at the time they might purchase said property.

During the review of Resolution 04-R023, it was noted that Section 2.G required that the Board consider the cost of CBT units at the second meeting of every month and make adjustments to the CBT Water Share Fee (cash in lieu price of water) if needed. This has not been the practice and it is staff's opinion that the Board would only need to consider adjusting the water cash in lieu price when the price of CBT units changes significantly from the price as reflected by the current CBT Water Share Fee. The proposed amendment allows the Board to consider amending the CBT Water Share Fee at any meeting.

**Legal/Political Considerations:**

The proposed resolution would become effective upon adoption.

**Alternatives/Options:**

Alternatives to adopting this resolution would be to not adopt it or to adopt the resolution with revisions by the Board. It is recommended that the proposed ordinance be adopted because it will simplify the process and meet a need for flexibility in the allocation of limited resources by developers.

**Financial Considerations:**

For the Town, there are no significant financial ramifications of adopting the proposed resolution.

**Staff Recommendation:**

Staff recommends that the Board adopt the proposed Resolution 09-R\_\_\_\_.